



UNITED STATES MARINE CORPS  
1ST BATTALION, 9TH MARINE REGIMENT  
2D MARINE DIVISION  
PSC BOX 20103  
CAMP LEJEUNE, NC 28542-0103

IN REPLY REFER TO:

5800

--MilJus

JAN 30 2012

From: Commanding Officer, 1st Battalion, 9th Marine Regiment  
To: Lieutenant Colonel Morris D. Hale USMC

Subj: PRETRIAL INVESTIGATION IN THE CASE OF LANCE CORPORAL  
ERIK M. KETTERMAN(b) (6) /0311 USMC


Ref: (a) Article 32, UCMJ  
(b) RCM 405, MCM (2008 ed.)  
(c) RCM 707(c) (1), MCM (2008 ed.)

Encl: (1) Charge Sheet ICO LCpl E. M. KETTERMAN

1. Per references (a) and (b), you are appointed as the Investigating Officer to conduct an Article 32 pretrial investigation into all matters set forth in the charges and specifications contained in the enclosure.
2. Your attention is directed to reference (b) for complete compliance in this investigation. You will inquire into the truth and form of the charges and such other matters as may be necessary to make a recommendation as to the disposition of the charges. If evidence adduced during the investigation indicates that the accused committed an uncharged offense, you may investigate the subject matter of such offense and make a recommendation as to its disposition.
3. In accordance with reference (c), you are specifically delegated the authority to act on any delay requests submitted by either party, subject to the limitations in Paragraph 5 below. Any delay requests granted by you will be annotated in your report.
4. Captain Alexander R. Wilschke, U.S. Marine Corps, certified in accordance with Article 27(b), Uniform Code of Military Justice, and previously sworn in accordance with Article 42(a), Uniform Code of Military Justice, is detailed as counsel for the government. Captain Arun G. Ravindran, U.S. Marine Corps, certified in accordance with Article 27(b), Uniform Code of Military Justice, has previously been detailed as defense counsel for the accused.

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5. The investigation is to be held at the Legal Services Support Section, Camp Lejeune, North Carolina on ~~3 February~~ 13 Feb 2012. As Investigating Officer, you have the discretion to grant a request for continuance and delay for up to 30 days after the assigned date upon request by Government of Defense Counsel. Any continuance request over 30 days must be approved by me. You will submit your written report within seven (7) business days of the hearing's completion.

  
T. J. ZAGRUSKI  
Lieutenant Colonel  
U.S. Marine Corps

Copy to:  
TC  
DC  
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# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) KETTERMAN, Erik M.		2. SSN (b) (6)	3. RANK/RATE LCpl	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION 1stBn, 9th MarRegt, 2d MarDiv, Camp Lejeune, NC		Case#: 12-33 DOB: (b) (6) EAS: 7 Dec 12	6. CURRENT SERVICE a. INITIAL DATE 8 Aug 08 b. TERM 4 Yrs	
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED IHCA Pretrial Confinement		9. DATE S) IMPOSED 8 Jan 12 - 19 Jan 12 19 Jan 12 - Present
a. BASIC \$1,981.00	b. SEA/FOREIGN DUTY None	c. TOTAL \$1,981.00		

## II. CHARGES AND SPECIFICATIONS

### 10. CHARGE I: Violation of the UCMJ, Article 78

**SPECIFICATION:** In that Lance Corporal Erik M. KETTERMAN, U.S. Marine Corps, 1st Battalion, 9th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, knowing that, on or about 7 January 2012, Lance Corporal Brandon G. COTTER, U.S. Marine Corps, 1st Battalion, 9th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, committed an offense punishable by the Uniform Code of Military Justice, to wit: assault consummated by a battery, did, on or about 7 January 2012, at or near Jacksonville, North Carolina, in order to prevent apprehension of the said Lance Corporal Brandon G. COTTER, assist the said Lance Corporal Brandon G. COTTER by helping him flee the scene of the assault.

### CHARGE II: Violation of the UCMJ, Article 134

**SPECIFICATION:** In that Lance Corporal Erik M. KETTERMAN, U.S. Marine Corps, 1st Battalion, 9th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, on or about 7 January 2012, did wrongfully impede an investigation in the case of Lance Corporal Brandon G. COTTER, U.S. Marine Corps, 1st Battalion, 9th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, by helping him escape the Jacksonville Police Department, which conduct was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) MORALES, Marlene, R.	b. GRADE LCpl	c. ORGANIZATION OF ACCUSER CLR-27, MLG, Camp Lejeune, NC
d. SIGNATURE OF ACCUSER <i>Marlene Morales</i>	e. DATE JAN 20 2012	

**AFFIDAVIT:** Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 20th day of JAN, 2012, and signed the foregoing charges and specifications under oath that she is a person subject to the Uniform Code of Military Justice and that she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of her knowledge and belief.

M. D. ZIMMERMAN

Typed Name of Officer

Major, U.S. Marine Corps

Grade and Service

Signature

CLR-27, MLG, Camp Lejeune, NC

Organization of Officer

Judge Advocate

Official Capacity to Administer Oaths  
(See R.C.M. 307(b)--must be commissioned officer)

12. On 20 January, 2012, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

C. J. EAST

Typed Name of Immediate Commander

1stBn, 9th MarRegt, 2d MarDiv, Camp Lejeune, NC

Organization of Immediate Commander

First Lieutenant, U.S. Marine Corps

Grade

*C. J. East*

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY.

13. The sworn charges were received at 1700 hours, 20 January, 2012 at 1stBn, 9th MarRegt, 2d MarDiv  
Camp Lejeune, NC Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE<sup>1</sup> COMMANDING OFFICER

C. J. EAST

Typed Name of Officer

Legal Officer

Official Capacity of Officer Signing

First Lieutenant, U.S. Marine Corps

Grade

*C. J. East*

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Camp Lejeune, NC

Referred for trial to the \_\_\_\_\_ court-martial convened by courts-martial convening order # \_\_\_\_\_

dated \_\_\_\_\_

, subject to the following instructions:

By XXXXXXXXXXXXXXXXXX of \_\_\_\_\_

Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On \_\_\_\_\_ (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES

- 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.



**UNITED STATES MARINE CORPS**

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2D MARINE DIVISION  
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IN REPLY REFER TO:  
5800  
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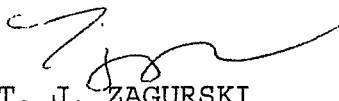
From: Commanding Officer  
To: Trial Counsel

Subj: DISMISSAL OF THE CHARGES AND SPECIFICATIONS IN THE CASE  
OF UNITED STATES V. LANCE CORPORAL ERIK M. KETTERMAN XXX  
XX(b)(6) /0311 USMC

Ref: (a) R.C.M. 604, MCM (2008)  
(b) Art 32 report

Encl: (1) DD Form 458, charge sheet preferred on 20 Jan 12

1. In accordance with references (a) and (b), I hereby dismiss  
the charges and specifications in the enclosure without  
prejudice.

  
T. J. ZAGURSKI

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TC